

ANALYSIS

This ordinance amends Title 5 - Personnel and Title 6 - Salaries of the Los Angeles County Code by amending Sections 5.27.330, 5.28.330, 6.12.060, and adding Section 6.12.070 to comply with the Healthy Workplaces, Healthy Families Act of 2014 (AB1522). The accrual methods of Nonelective leave hours are amended for MegaFlex participants. Sick Personal Leave is provided for certain temporary and recurrent employees effective July 1, 2015.

MARY C. WICKHAM
Interim County Counsel

By: 

RICHARD D. BLOOM
Principal Deputy County Counsel
Labor and Employment Division

RDB:rlid

Requested: 6/3/15
Revised: 6/3/15
6/4/15
6/5/15
6/8/15
6/11/15
6/12/15
6/17/15

ORDINANCE NO. 2015-0026

An ordinance amending Title 5 - Personnel and Title 6 - Salaries of the Los Angeles County Code, relating to Nonelective Annual Leave and Sick Personal Leave for Temporary and Recurrent Employees and Sick Leave Special Provisions.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 5.27.330 is hereby amended to read as follows:

5.27.330 Nonelective Annual Leave.

A. Annual Allowance. On January 1st of each Plan Year, each Participant who has completed at least one year of continuous service in the preceding calendar year shall be entitled to a maximum of 10 days of paid Nonelective Annual Leave. Such entitlement shall be based on the Participant's active service in the preceding calendar year as provided in the following table:

Nonelective Annual Leave	
Number of Days of Annual Leave	Number of Working Days of Nonelective Active Service as a Participant
1	19
2	55
3	91
4	127
5	163

6	199
7	235
8	271
9	307
10	343

B. Effective with the pay period ending April 15, 2012, and upon notification to the board of supervisors by the chief executive officer that the human resources management system implementing this provision is fully operational, each Participant shall accrue Non-elective Annual Leave based on the Participant's active service at the rate of four (4) hours per pay period up to an annual maximum of 10 days of paid Non-elective Annual Leave available for use January 1st of each subsequent Plan Year. Any unpaid hours of active service in the pay period will cause a proportionate reduction in the Non-elective Annual Leave entitlement for that pay period.

C. Accrual of Unused Time. Except as provided in Section 6.24.040, Non-elective Annual Leave may be accrued to a maximum of 60 days, provided, however, that the CEO may authorize a higher than 60-day limit in any or all County Departments. Non-elective Annual Leave in excess of the 60-day limit, or such higher limit as the CEO may authorize, shall be paid at the Participant's workday rate of pay in effect at the point such excess accrual occurs.

D. Effective with the pay period ending July 15, 2015, each Participant shall accrue Nonelective Annual Leave based on the Participant's active service at the rate of four (4) hours per pay period up to an annual maximum of 10 days of paid Nonelective

Annual Leave available for use each pay period. Any unpaid hours of active service in the pay period will cause a proportionate reduction in the Nonelective Annual Leave entitlement for that pay period. The Nonelective hours earned from January 1, 2015, through June 30, 2015, will be made available for use for each Participant on July 1, 2015.

SECTION 2. Section 5.28.330 is hereby amended to read as follows:

5.28.330 Nonelective Annual Leave.

A. Annual Allowance. On January 1st of each Plan Year, each Participant who has completed at least one year of continuous service in the preceding calendar year shall be entitled to a maximum of 10 days of paid Nonelective Annual Leave. Such entitlement shall be based on the Participant's active service in the preceding calendar year as provided in the following table:

Nonelective Annual Leave	
Number of Working Days of Nonelective Annual Leave	Number of Days of Active Service as a Participant
1	19
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B. Effective with the pay period ending April 15, 2012, and upon notification to the board of supervisors by the chief executive officer that the human resources management system implementing this provision is fully operational, each Participant shall accrue Non-elective Annual Leave based on the Participant's active service at the rate of four (4) hours per pay period up to an annual maximum of 10 days of paid Non-elective Annual Leave available for use January 1st of each subsequent Plan Year. Any unpaid hours of active service in the pay period will cause a proportionate reduction in the Non-elective Annual Leave entitlement for that pay period.

C. Accrual of Unused Time. Except as provided in Section 6.24.040, Non-elective Annual Leave may be accrued to a maximum of 60 days, provided, however, that the CEO may authorize a higher than 60-day limit in any or all County Departments. Non-elective Annual Leave in excess of the 60-day limit, or such higher limit as the CEO may authorize, shall be paid at the Participant's workday rate of pay in effect at the point such excess accrual occurs.

D. Effective with the pay period ending July 15, 2015, each Participant shall accrue Nonelective Annual Leave based on the Participant's active service at the rate of four (4) hours per pay period up to an annual maximum of 10 days of paid Nonelective

Annual Leave available for use each pay period. Any unpaid hours of active service in the pay period will cause a proportionate reduction in the Nonelective Annual Leave entitlement for that pay period. The Nonelective hours earned from January 1, 2015, through June 30, 2015, will be made available for use for each Participant on July 1, 2015.

SECTION 3. Section 6.12.060 is hereby amended to read as follows:

6.12.060 Special paid leave for certain temporary and recurrent employees.

A. Eligibility. Employees holding temporary or recurrent positions during part or all of calendar years 2003, 2004, 2005 and/or 2006 who are employed in classifications approved by the board shall be eligible for paid leave pursuant to the provisions of this section. For purposes of this section, a "temporary or recurrent position" is any position designated as an hourly as-needed item ("F" item) or an hourly recurrent item ("H" item) pursuant to Section 6.28.020.

B. Earning and Accrual of Paid Leave. An eligible employee shall earn paid leave to a maximum of 24 hours per calendar year based on the total number of days worked during the year of eligibility, as shown below. For this purpose, at least one hour of work per day shall constitute one day of work; provided, however, that no employee shall receive credit for days worked during any period when the employee was not exclusively employed in an eligible temporary position or any period which does not fall within calendar years 2003, 2004, 2005 and/or 2006.

Minimum Number of Days Worked	Amount of Paid Leave
60 days	8 hours
100 days	16 hours
140 days	24 hours

Paid leave as shown above shall be credited to the employee on January 1st following the year in which it is earned.

C. Use of Leave. Paid leave, in increments of eight (8) hours only, may be taken off, subject to prior approval of the appointing authority, or paid off at the employee's request during the calendar year in which it was credited to the employee, and shall not be carried over to any subsequent year.

D. Pay for Unused Leave. Unused credited leave shall be paid off under any one or more of the following conditions:

1. At the employee's request;
2. At the end of the calendar year in which it was credited to the employee;
3. At the employee's termination from county service.

Pay for unused leave shall be at the employee's workday rate in effect at the time of payment.

E. 1. This section shall not apply to anyone employed on any of the following items:

Item No.	Title
2923	Ocean Lifeguard
2924	Ocean Lifeguard Specialist
2953	Lake Lifeguard
2954	Senior Lake Lifeguard

2. Additionally, this section shall not apply to anyone reinstated pursuant to Civil Service Rule 17.01B.

F. Termination of Special Paid Leave. Special Paid Leave will cease as of June 30, 2015. Employees may be paid for accrued leave days in July 2015, or be paid at the end of the calendar year 2015.

SECTION 4. Section 6.12.070 is hereby added to read as follows:

6.12.070 Sick Personal for certain temporary and recurrent employees.

A. Sick Personal Leave (Payable)

1. Eligibility. Employees holding temporary or recurrent positions who are employed in classifications approved by the Board shall be eligible for Sick Personal Leave (Payable) pursuant to the provisions of this section. For purposes of this section, a "temporary or recurrent position" is any position designated as an hourly as-needed item ("F" item) or an hourly recurrent item ("H" item) pursuant to Section 6.28.020.

2. Earning and Accrual of Sick Personal Leave. An eligible employee shall earn Sick Personal Leave (Payable) to a maximum of 48 hours based on the accrual

rate of 1 hour of Sick Personal Leave for every 30 hours worked. Sick Personal Leave (Payable) shall be credited to the employee on a per pay period basis. Sick Personal Leave (Payable) is defined as payable upon termination of employment and hours may be paid in lieu of carrying over such hours to the subsequent year.

3. Use of Sick Personal Leave (Payable). Twenty-four hours of accrued Sick Personal Leave (Payable) may be taken off per calendar year, subject to prior approval from Management during the calendar year in which it was credited to the employee or thereafter for personal reasons pursuant to County Code Section 6.20.030 A(2). Sick Personal Leave (Payable) may also be taken for the purpose of attending to the employee's own health care and health care of family members as defined in Section 6.20.080, Bereavement Leave in the County Code, as well as what is defined in California Labor Code Section 245.5 (which includes adopted or foster children, stepchildren, legal wards or children to whom the employee stands in loco parentis, a biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child). Departmental requirements for prior approval will be applied only to the extent practicable.

4. Pay for Unused Sick Personal (Payable). An employee may, at his/her option, be paid for up to 3 Sick Personal Leave (Payable) days (24 hours), in lieu of carrying over such days, if the employee uses no Sick Personal Leave (Payable) for any reason. Sick Personal Leave (Payable) shall be paid at the employee's workday rate of pay in effect at the time of payment. The remaining balance of days or the full balance of days may be carried over to the following year.

B. Sick Personal Leave (Non-Payable)

1. Eligibility. Any employee who does not earn either sick leave, nonelective leave, or special paid leave, which includes an employee who is employed exclusively on a per clinic, consultation or visit ("G" item) or per session ("J" item), or part-time as defined by 1/5 time ("P" item), 1/4 time ("Q" item), 5/16 time ("R" item), 1/3 time ("S" item), 2/5 time ("T" item) basis, or rehired retiree employee, or any employee who has previously not accrued any form of sick leave benefits such as Relief Nurses, (Item #5261) shall be eligible for Sick Personal Leave (Non-Payable).

2. Earning and Accrual of Sick Personal Leave. An eligible employee shall earn Sick Personal Leave (Non-Payable) to a maximum of 48 hours based on the accrual rate of 1 hour of Sick Personal Leave for every 30 hours worked. Sick Personal Leave (Non-Payable) shall be credited to the employee on a per pay period basis. Sick Personal Leave (Non-Payable) may be carried over to any subsequent year. Sick Personal Leave (Non-Payable) is defined as not payable upon termination of employment and hours may not be paid in lieu of carrying over such hours to the subsequent year.

3. Use of Sick Personal Leave (Non-Payable). Twenty-four hours of accrued Sick Personal leave (Non-Payable) may be taken off per calendar year, subject to prior approval of Management during the calendar year in which it was credited to the employee or thereafter for personal reasons pursuant to County Code Section 6.20.030 A(2). Sick Personal Leave (Non-Payable) may also be taken for the purpose of attending to the employee's own health care and health care of family members as defined in County Code Section 6.20.080, Bereavement Leave in the County Code, as

well as what is defined in California Labor Code Section 245.5 (which includes adopted or foster children, stepchildren, legal wards or children to whom the employee stands in loco parentis, or a biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child). Departmental requirements for prior approval will be applied only to the extent practicable.

SECTION 5. Pursuant to Government Code 25123(f), this Ordinance shall take effect on July 1, 2015.

SECTION 6. This ordinance shall be published in The Daily Commerce a newspaper printed and published in the County of Los Angeles.



Mike Antonovich

Mayor

ATTEST:

Patrick Ogawa

Patrick Ogawa
Acting Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that at its meeting of June 30, 2015 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

Ayes

Supervisors Hilda Solis
Mark Ridley-Thomas
Sheila Kuehl
Don Knabe
Michael D. Antonovich

Noes

Supervisors None

Effective Date: July 1, 2015

Operative Date:

Patrick Ogawa

Patrick Ogawa
Acting Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that pursuant to Section 25103 of the Government Code, delivery of this document has been made.

PATRICK OGAWA
Acting Executive Officer
Clerk of the Board of Supervisors

By *Patrick Ogawa*
Deputy



APPROVED AS TO FORM:
MARY C. WICKHAM
Interim County Counsel

By *Richard D. Weiss*
Richard D. Weiss
Chief Deputy County Counsel